



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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June 11, 2010

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From: William T Fujioka  
Chief Executive Officer

## SACRAMENTO UPDATE

This memorandum includes a pursuit of County position on legislation regarding the Pacoima Wash, an update on County-sponsored legislation regarding the Subdivision Map Act, and a status report on two County-advocacy measures related to annexations and the Dispute Resolution Program.

### Pursuit of County Position on Legislation

**AB 2214 (Fuentes)**, as amended on April 27, 2010, would require the Santa Monica Mountains Conservancy (SMMC) to use existing budget resources and voluntary private and nonprofit resources to develop a feasibility study for the Pacoima Wash before June 30, 2011, and to request voluntary cooperation of other governmental authorities with jurisdiction over the Pacoima Wash in the development of the feasibility study.

Under existing law, the SMMC is authorized to award grants or loans to cities, counties, districts, or nonprofit organizations to restore, enhance, acquire, or conserve resources or develop recreational opportunities in and around the Santa Monica Mountains environment. AB 2214 would require the SMMC to develop a feasibility study for the Pacoima Wash to: 1) establish objectives for development of a greenbelt around the Pacoima Wash to expand recreational opportunities and improve natural habitat; 2) establish the boundaries of the study; 3) inventory existing land and its uses; 4) analyze land parcels along the Pacoima Wash that show potential for development of

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a greenbelt and other recreational development; 5) engage in community outreach and input; and 6) analyze the topography of the Pacoima Wash.

According to the author, the Pacoima Wash is a 10-mile flood control channel built in the 1940s that runs from the Pacoima Dam in the San Gabriel Mountains to the Arleta Spreading Grounds. Currently enclosed by fencing with few pedestrian crossings, the Wash attracts trash, graffiti, and fosters undesirable uses and activities. The author states that the Wash presents a great opportunity for recreational activities and wildlife habitat.

The Department of Public Works (DPW) indicates that the Los Angeles County Flood Control District (FCD), in accordance with the Los Angeles County Flood Control Act, supports the development of aesthetic improvements to its rights of way which would in all likelihood be a major focus of the feasibility study proposed under AB 2214. DPW states that the large majority of undeveloped space adjacent to Pacoima Wash is FCD right of way and the bill would provide State resources that would benefit FCD.

The FCD rights of way that are likely to be the subject of the feasibility study are either owned in fee or have been secured as easements for flood control purposes. The FCD ensures that the facilities contained therein are maintained and operated to provide certain levels of flood protection. FCD rights of way outside of and adjacent to the actual conveyance systems themselves often have functional purposes of their own in providing access to conveyance facilities and space for other operational features. In the development of any feasibility study for the Pacoima Wash, DPW indicates that project proponents must account for the function of these facilities and ultimately would have to be officially permitted by the FCD. Therefore, DPW indicates that the FCD will need to have an integral role in the development of the Pacoima Wash feasibility study.

Without the integral role of the FCD in feasibility study development, DPW indicates that the SMMC could potentially develop proposals that contravene the ability of the FCD to operate and maintain its facilities and result in reduced flood protection, and strongly believes that the SMMC should be required to coordinate with the FCD on the development of the feasibility study for the Pacoima Wash. Without specific language requiring the SMMC to work with the FCD, DPW is concerned that the SMMC could overreach its authority and jurisdiction where the FCD should be the principal entity with authority and jurisdiction. Therefore, the study should require the close involvement of the FCD.

Because DPW supports the development of aesthetic improvements to its rights of way, DPW recommends that the County support AB 2214, if amended, to: 1) specify the FCD and its authority over the areas of Pacoima Wash within the FCD's jurisdiction;

2) specify the FCD's authority to approve planning elements within the areas of its jurisdiction; and 3) require the SMMC to coordinate with the FCD on the development of the Pacoima Wash feasibility study. Support is consistent with existing policy to support legislation that promotes the preservation and restoration of watershed and river areas and support measures which promote the preservation and restoration of Los Angeles County mountains, bay, watershed, river and wetland areas. **Therefore, the Sacramento advocates will support AB 2214, if amended, as indicated above.**

AB 2214 is supported by the Mountains Recreation and Conservation Authority. There is no registered opposition. This measure passed the Assembly Floor on June 1, 2010 by a vote of 51 to 26, and is currently set for hearing in the Senate Natural Resources and Water Committee on June 22, 2010.

#### **Status of County-Sponsored Legislation**

**County-sponsored AB 133 (Smyth)**, which as amended on May 20, 2010, would clarify existing language of the Subdivision Map Act to give Los Angeles County the same authority that the Orange and San Diego Counties have for their unincorporated areas to pay for reasonable administrative and other costs, in addition to actual construction-related costs, passed the Senate Local Government on consent on June 9, 2010, and now proceeds to the Senate Floor.

#### **Status of County-Advocacy Legislation**

**County-opposed AB 853 (Arambula)**, which would eliminate local control over the annexation process for unincorporated fringe communities or unincorporated island communities by requiring a board of supervisors to petition the Local Agency Formation Commission (LAFCO) to approve the annexation of an unincorporated fringe community or an unincorporated island community to a city, and require LAFCO to approve the annexation if specified conditions are met, was substantially amended on June 9, 2010.

The amendments delete many of the major provisions of the bill, including the provision: 1) allowing LAFCO to determine the transfer of property taxes if the city and county do not enter into a property tax agreement; 2) requiring LAFCO to determine a revenue neutrality agreement; 3) requiring a city to amend its general plan to ensure that the annexation conforms with the city's general plan after LAFCO's approval; 4) requiring LAFCO to approve the annexation of an unincorporated fringe or island community if specified conditions are met; 5) prohibiting a special district from terminating the annexation; and 6) directing the county auditor to take specified actions if the proposal would not transfer all of an affected agency's service responsibilities to the proposed city.

The new amendments included in the June 9, 2010 version of AB 853: 1) require LAFCO to adopt a comprehensive plan to address infrastructure deficiencies for unincorporated fringe communities, unincorporated island communities, and unincorporated legacy communities, as defined; 2) require local agencies to comply with the comprehensive plan; 3) require LAFCO to prepare a written statement of its determinations with respect to the existence of that comprehensive plan with regard to the LAFCO's determination of spheres of influence; and 4) prohibit a LAFCO from approving a change to a sphere of influence unless all relevant agencies are in compliance with the comprehensive plan.

The definition of "unincorporated fringe community" is expanded to mean any inhabited unincorporated territory that is within 1.5 miles of a city or within or adjacent to a city's sphere of influence (SOI). "Disadvantaged community" is defined as a community with an annual median household income that is less than 80 percent of the statewide annual median household income, which may be provided by a community household survey.

The June 9, 2010 version of the bill continues to require a board of supervisors to petition LAFCO to approve the annexation to a city of any unincorporated island community or unincorporated fringe community after notice and hearing if:

- Twenty-five percent of the registered voters or land owners in the unincorporated island or fringe community petition the board of supervisors to initiate an annexation;
- The territory proposed to be annexed constitutes an unincorporated island or unincorporated fringe community that has infrastructure deficiencies, such as lacking wastewater, drinking water services, storm drainage, paved streets, sidewalks or streetlights, or there exists a serious infrastructure-related health hazard; and
- The territory meets the definition of a disadvantaged community, as evidenced by a community household survey.

County Counsel indicates that AB 853 takes land use, infrastructure, and financial planning and implementation authority away from local jurisdictions, and places it with LAFCO, as it requires identified local agencies to comply with the adopted actions and timelines. County Counsel also states that the amended version defines the unincorporated fringe community as "any inhabited unincorporated territory that is within 1.5 miles of a city or within or adjacent to a city's SOI. This does not address whether the city would need to annex the area in between the city and the fringe community (that

Each Supervisor  
June 11, 2010  
Page 5

may already be in a city's SOI). If not, annexation of a fringe community could result in the creation of other unincorporated islands.

The Office of Unincorporated Area Services indicates that the imposition of a comprehensive plan by LAFCO could be costly to the County because it is unknown what type of infrastructure improvements would be required by the comprehensive plan. In addition, the LAFCO application costs would have to be borne by the County, including additional costs if an annexation requires a SOI amendment. The Department of Regional Planning (DRP) indicates that the bill still represents a loss of local control, and infringes upon county board of supervisors' local land use decision-making authority. DRP recommends that the County continue to oppose AB 853.

The Department of Public Works (DPW) indicates that if the Waterworks District is required under a LAFCO plan to provide water service to a community with inadequate existing infrastructure, a portion of the cost to upgrade infrastructure could potentially be borne by the District's existing customers through increased water rates if the community cannot bear the entire cost. In addition, there are several landfills located in the unincorporated County areas that provide a significant revenue source to the County's general fund, and play a vital role in assisting the County meet its solid waste management responsibilities. If a LAFCO plan affected any of the landfills, it could impact DPW's ability to control its own destiny regarding solid waste disposal options. DPW recommends that the County continue to oppose AB 853.

This measure is set for hearing in the Senate Local Government Committee on June 16, 2010.

**County-supported AB 1718 (Monning)**, which would have increased the cap on civil court filing fees to fund local dispute resolution programs, was amended on May 28, 2010 to delete this provision. As amended, the bill now relates to the Senior Citizens and Disabled Citizens Property Tax Postponement Law. **Therefore, the Sacramento advocates will remove support for AB 1718 and take no position on this measure.**

We will continue to keep you advised.

WTF:RA  
EW:VE:lm

c: All Department Heads  
Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association